

# ARKANSAS SUPREME COURT

No. 09-466

TOMMY HALL and \$2,715.00  
Petitioner

v.

STATE OF ARKANSAS  
Respondent

Opinion Delivered May 28, 2009

PRO SE MOTION AND AMENDED  
MOTION TO LODGE APPEAL  
WITHOUT REQUIRED CERTIFIED  
RECORD [CIRCUIT COURT OF  
MILLER COUNTY, CV 2004-285]

MOTION AND AMENDED MOTION  
TREATED AS MOTION FOR RULE  
ON CLERK AND DENIED.

## PER CURIAM

Now before us is a motion and amended motion filed by petitioner Tommy Hall seeking to lodge an appeal without the certified record ordinarily required to lodge an appeal in this court. Petitioner contends that the circuit clerk has provided some of the certified documents necessary to an appeal but not all. He states that he is trying to avoid having to proceed with a motion for belated appeal at a later date and that, if permitted to lodge the appeal now, he will provide the other essential documents when he submits his brief.

We treat the motion as a motion for rule on clerk to lodge the appeal and deny it. This court cannot assume jurisdiction of a matter without an adequate record. *See Dillard v. Keith*, 336 Ark. 521, 986 S.W.2d 100 (1999). Petitioner cites no precedent, and we know of none, that would permit an appellant to lodge an appeal without a record.

Here, petitioner has not tendered a certified copy of the original complaint in the matter, the pleading or pleadings subsequent to the original complaint that are, or may be, the subject of the

order from which the appeal is to be taken, or the notice of appeal. Petitioner has appended a copy of the circuit court docket sheet to the motion, but this court will not sort through it and make assumptions as to the entries that are germane to the motion. In short, petitioner has fallen woefully short of tendering the basic record needed to proceed, and he has cited no good cause in support of the untenable position that he should be allowed to lodge the appeal and later provide the record for it.

Motion and amended motion treated as motion for rule on clerk and denied.